PART IV

Sectoin 1—B

CENTRAL ACTS AND ORDINANCES

NOTIFICATION.

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

No. LAW 45 LCA 67, dated Bangalore, 27th September 1967.

Ordered that the Essential Commodities (Amendment) Ordinance, 1967 (6 of 1967) which has been published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 10th September 1967, be republished in the *Mysore Gazette*, for general information.

By Order and in the name of the Governor of Mysore,

H. K ANANTHASUBBA RAO,
Under Secy. to Government,
Dept. of Law and Parliamentary Affairs.

THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 1967.

No. 6 OF 1967.

Promulgated by the President in the Eighteenth Year of the Republic of India.

An Ordinance further to amend the Essential Commodities Act, 1955, and to continue the Essential Commodities (Amendment) Act, 1964, for a further period.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Essential Commodities (Amendment) Ordinance, 1967.

(2) It shall come into force at once.

2. Act 10 of 1955 to be temporarily amended.—During the period of operation of this Ordinance, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 to 10.

3. Amendment of section 2.—In section 2 of the principal Act, after clause (*c*), the following clause shall be inserted, namely :—

'(*cc*) "order" includes a direction issued thereunder;'.

4. Amendment of section 3.—In section 3 of the principal Act, in sub-section (2), in clause (*j*), the following shall be inserted at the end, namely :—

" and of any books of accounts and documents which in his opinion would be useful for, or relevant to, any proceedings under this Act and the return of such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom as certified by that person in the manner specified in the order have been taken".

5. Amendment of section 6A.—In section 6A of the principal Act,—

(*a*) for the words "foodgrains, edible oilseeds or edible oils are seized", in both the places where they occur, the words "essential commodity is seized" shall be substituted;

(*b*) for the words "they may", the words "it may" shall be substituted;

(*c*) for the words "may order confiscation of the foodgrains, edible oilseeds or edible oils", the words "may order confiscation of the essential commodity so seized" shall be substituted.

6. Amendment of section 6B.—In section 6B of principal Act,—

(*a*) for the words "any foodgrains, edible oilseeds or edible oils", the words "any essential commodity" shall be substituted;

(*b*) for the word "articles", in both the places where it occurs, the words "essential commodity" shall be substituted;

(*c*) for the words "they are seized", the words "it is seized" shall be substituted.

7. Amendment of section 6C.—In section 6C of the principal Act, in sub-section (2),—

(*a*) for the words "return the foodgrains or edible oilseeds or edible oils seized" the words "return the essential commodity seized" shall be substituted;

(*b*) for the words "as if the foodgrains, edible oilseeds or edible oils, as the case may be,", the words "as if the essential commodity" shall be substituted;

(*c*) for the word "articles", the words "the essential commodity" shall be substituted;

(*d*) for the words, brackets, figures and letter "in accordance with the provisions of sub-section (*3B*) of section 3", the words, brackets figures and letter "in the case of foodgrains, edible oilseeds or edible oils in accordance with the provisions of sub-section (*3B*) of section 3 and in the case of any other essential commodity in accordance with the provisions of sub-section (3) of that section" shall be substituted.

8. Amendment of section 7.—In section 7 of the principal Act,—

(1) in sub-section (1)—

(*a*) for the words and figure "If any person contravenes any order made der section 3" the

words and figure "If any person contravenes, whether knowingly, intentionally or otherwise, any order made under section 3" shall be substituted ;

(*b*) in sub-clause (*ii*) of clause (*a*), for the words "three years", the words "five years" shall be substituted ;

(*c*) for the proviso to clause (*a*), the following proviso shall be substituted, namely :—

"Provided that in the case of a first offence, if the Court is of opinion that a sentence of fine only will meet the ends of justice, it may, for reasons to be recorded, refrain from imposing a sentence of imprisonment and in the case of a second or subsequent offence, the Court shall impose a sentence of imprisonment and such imprisonment shall not be less than one month ; and" ;

(*d*) for clause (*b*) [excluding the proviso], the following shall be substituted, namely :—

"(*b*) any property in respect of which the order has been contravened or such part thereof as to the Court may seem fit including any packages, coverings or receptacles in which the property is found and any animal, vehicle, vessel or other conveyance used in carrying the property, shall be forfeited to the Government ;";

(2) in sub-section (2), for the words "three years", the words "five years" shall be substituted ;

(3) after sub-section (2), the following sub-section shall be inserted, namely :—

"(3) Where a person having been convicted of an offence under sub-section (1) is again convicted of an offence under that sub-section for contravention of an order in respect of an essential commodity, the Court by which such person is convicted shall, in addition to any penalty which may be imposed on him under that sub-section, by order, direct that that person shall not carry on any business in that essential commodity for such period, not being less

than six months, as may be specified by the Court in the order.".

9. Amendment of section 9.—In section 9 of the principal Act, for the words "three years" the words "five years" shall be substituted.

10. Insertion of new section 10A.—After section 10 of the principal Act, the following section shall be inserted namely :—

"**10A. Offences to be cognizable and bailable.**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), every offence punishable under this Act shall be cognizable and bailable.".

11. Continuance of Act 47 of 1964.—The duration of the Essential Commodities (Amendment) Act, 1964, is further extended for the period up to and including the 31st day of December, 1969, and accordingly that Act shall have effect subject to the modification that in section 1 of that Act, in sub-section (3), for the words, figures and letters "the 31st day of December, 196?", the words, figures and letters "the 31st day of December, 1969" shall be substituted.

ZAKIR HUSAIN,
President.

S. P. SEN-VARMA,
Secy. to the Govt. of India.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore